IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2012 OF 2005

IN

SECOND APPEAL NO.1258 OF 2005

Chandrakant Rajaram Naik-Satam
& Ors. ..Appellants.

Vs.

Anant Lavaraj Lad & Ors. ..Respondents.

....

Mr.S.P.Thorat for the Appellants.

Mr.S.A.Sawant for Respondent No.11.

....

CORAM : DR.D.Y.CHANDRACHUD, J.

30th November 2005.

P.C. :

This Court has been moved in view of the urgency of the matter apprehending that there would be a breach of peace in the performance of Pooja-Archa on the occasion of Deo-Diwali which is

to be observed on 2nd December, 2005. During the pendency of the Second Appeal, an order was passed by this Court on 10th October, 2005 in respect of the observance of religious rites on Vijaya Dashami day. The relevant part of the order of this Court reads thus :

> "Hence, the Tahsildar at Malvan is hereby directed to perform the "First Pooja" with necessary religious rites, such as offering coconuts on behalf of the villages and on behalf of the villagers including the plaintiffs and defendants involved in this case. After Tahsildar performs Pooja, after appointed time, all villagers would be entitled to offer their Pooja as per the village custom under the supervision of Tahsildar at Malvan. The Tahsildar at Malvan is also empowered by this order to seek police protection, if he so decides, looking into the situation which may arise in view of the disputes between the parties.
>
> 6. Both parties to be provided with the

copies of this order immediately.

The Tahsildar at Malvan shall act on the basis of authenticated copy of this order. Besides the said copy, the office is also directed to inform the Collector of Sindhudurga - Oros, and Tahsildar of Tal. Malvan, telephonically about the directions issued by this Court immediately."

I am of the view that the arrangement which obtained in pursuance of the aforesaid order should be continued on the present occasion for Deo-Diwali on 2nd December, 2005. The Tahsildar at Malvan will ensure that there is no breach of peace. The Appellants do not claim any special rights. In the circumstances, this Civil Application is disposed of in terms of the aforesaid directions which were issued by this Court in its order dated 10th October, 2005.

Place the Second Appeal for admission on 8th December, 2005.